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Paper No.

SEAGATE TECHNOLOGY
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SAN FRANCISCO, CA 94105

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AUG 19 2005

OFFICE OF PETITIONS

In re Application of	:	
Donald MacLeod, Robert Pelstring	:	DECISION ACCORDING
Marten Byl, Jeffery LeBlanc,	:	STATUS
Tan Pham, Robert Nottingham and	:	UNDER 37 CFR 1.47(a)
Michael Whittome	:	
Application No. 09/489,594	:	
Filed: January 21, 2000	:	
Atty Docket No. A-67848/JAS/WEN	:	

This is a decision on the petition under 1.47(a) filed September 2, 2003 (and resubmitted February 16, 2005). The petition was recently forwarded to the undersigned for consideration.

The petition is **GRANTED**.

The above-identified application was filed on January 21, 2000, with an unexecuted declaration. Prior to a Notice to File Missing Parts of Application requiring an executed oath or declaration and late surcharge being mailed, on September 2, 2003, applicants filed the instant petition. The late surcharge has been charged to Deposit Account No. 19-1036, as authorized. Rule 47 applicant maintains that status under 37 CFR 1.47 is proper because joint inventor Marten Byl refuses to join in the application.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C.

SS 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor.

By declaration of facts of Sr. Legal Secretary Carolyn Radmanovich, and supporting documentary evidence, petitioner has shown that the non-signing inventor has, by his conduct, refused to join in the filing of the above-identified application after having been presented with the application papers. The evidence reveals 2 mailings of the papers to inventor Byl. The evidence supports a conclusion that inventor Byl declined to claim the latter mailing from the Post Office. The petition includes payment of the petition fee and a statement of the last known address of inventor Byl.

The declaration filed September 2, 2003, and the petition have been reviewed and found in compliance with 37 CFR 1.47(a).

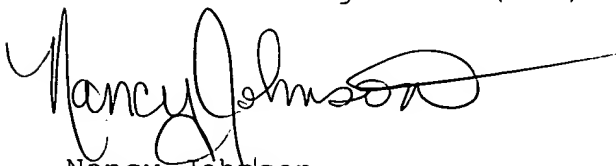
This application is hereby accorded Rule 1.47(a) status.

As provided in new Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

Receipt of the Revocation of Power of Attorney and Change of Correspondence Address filed February 16, 2005 is acknowledged and made of record.

The Publishing Division has been advised of this decision. The application is, thereby, forwarded to the Publishing Division for processing into a patent.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3219.

A handwritten signature in black ink, appearing to read "Nancy Johnson", with a long horizontal flourish extending to the right.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions